

20th Oct., 2022

Junior to counsel for the petitioner present. Mr. Kabirullah Khattak, Addl. A.G for the respondents present.

Request for adjournment was made on behalf of learned senior counsel for the petitioner due to his engagement before the Hon'ble High Court today. Adjourned. To come up for arguments on 19.12.2022 before D.B.



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

26.11.2021

Proper DB is not available, therefore, the case is
adjourned to 1/3/22 for the same before ^{ab} D.B.

1-3-22

due to Retirement of the ^{8*} Reader
The case is adjourned to come up for the
same as before on 16-6-22

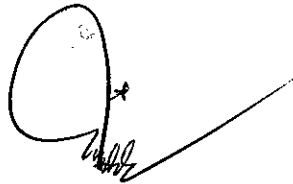
^{of}
Reader

16.06.2022

Appellant in person present. Mr. Kabirullah Khattak, Additional
Advocate General for respondents present.

Notice Issued
for the date
fixed 15/08/22

Previous date was changed on Reader Note, therefore, notices be
issued to the respondents through registered post and last chance given for
submission of reply/comments. In case the last chance as given is not
availed, the next adjournment shall be subject to prior payment of costs of
Rs. 5000/- to the appellant, failing which their right for submission of
reply/comments shall be deemed as struck of. Adjourned. To come up for
submission of reply/comments as well as arguments on 15.08.2022 before
D.B.



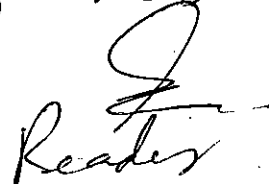
(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

15-8-22

Due to Summer vacation, the case
is adjourned to 20-10-22 for the same.


Reader

09.07.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted for regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written ^{reply/comments} are not submitted ^{within the} stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 26.11.2021 before the D.B.

Appellant Deposited
Security & Process Fee

15/7/21




Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 5674 /2021

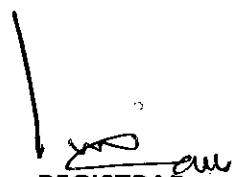
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/05/2021	<p>The appeal of Mr. Faqir Khan resubmitted today by Mr. Zartaj Anwar Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	02/06/21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>09/07/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Faqir Khan Junior Scale Stenographer E&T Department Koat received today i.e. on 07.05.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Affidavit may be got attested by the Oath Commissioner.
- 2- Copy of training certificate mentioned in para-5 of the memo of appeal is not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 4- Appeal has not been flagged/marked with annexures marks.
- 5- Annexures of the appeal may be attested.
- 6- Copies of letter dated 11.2.2021, 26.11.2017 and application dated 11.01.2021 are illegible which may be replaced by legible/better one.
- 7- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 804 /S.T,

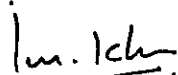
Dt. 07/05 /2021


REGISTRAR,
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Zartaj Anwar Adv. Pesh.

- 1) Affidavit has got attested by Oath Commissioner.
- 2) Copy of training Certificate mentioned was clerical mistake that para is deleted.
- 3) Annexure of appeal are annexed at serial wise.
- 4) Appeal has flagged/marked with annexures.
- 5) Annexure of the appeal is attested.
- 6) Better Copies are attached of the letters.
- 7) Five more copies/sets of the appeal are annexed.

Resubmitted after due completion.


26/5/2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 5674/2021

Faqir Khan Junior Scale Stenographer Excise, Taxation & Narcotics
control Office, KDA, and Complex Kohat

..... (Appellant)

VERSUS

Govt of Khyber Pakhtunkhwa through Secretary Excise, Taxation &
Narcotics control, Department, Khyber Pakhtunkhwa Peshawar. and
others.(Respondents)

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5	Copies of applications to forgo his promotion	C	16-18
6	Copy of the departmental appeal	D	19
7	Vakalatnama		20

Appellant

Through

ZARTAJ ANWAR

Advocate High Court

Office FR , 3-4 Forth

Floor Bilour Plaza

Peshawar Cantt.

Cell: 0331-9399185

Email: Zartaj9@yahoo.com

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5238

Dated 07/15/2021

Service Appeal No. _____/2021

Faqir Khan Junior Scale Stenographer Excise, Taxation &
Narcotics control Office, KDA, and Complex Kohat.

(Appellant)

VERSUS

1. Govt of Khyber Pakhtunkhwa through Secretary Excise, Taxation & Narcotics control, Department, Khyber Pakhtunkhwa Peshawar.
2. Director General, Excise, Taxation & Narcotics control, Department, Khyber Pakhtunkhwa Peshawar.
3. Assistant Excise, Taxation Officer, KDA, Complex Kohat.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, whereas the appellant denied promotion to the post of Superintendent, against which the departmental Appeal dated 11.01.2021, not responded even after lapse of statutory period of 90 days.

Prayer in Writ Petition:

Filed to-day

Registrar

07/05/2021

On acceptance of this appeal the appellant may kindly be considered for promotion to the post of Superintendent BPS-17, the appellant may also be awarded all the arrears and back benefits as from dated when he became eligible for promotion, the inaction of the respondents by not promoting the appellant to the post Superintendent BPS-17 is illegal, unlawful and without lawful authority, or any other remedy which this Hon;able Tribunal deem proper may also be allowed.

Respectfully Submitted:

1. That the appellant is law binding citizen of Pakistan and entitle all the rights secured and garneted under the constitution of Islamic republic of Pakistan.
2. That the appellant was appointed as Junior scale Stenographer BPS-14 since 1990 and performed his duty with great zeal and devotion without any complaint whatsoever regarding his performance till date in the same scale i.e BPS-14.
3. That according to the final seniority list of Junior Scale Stenographers BPS-14 circulated on 30.09.2019 in which the present appellant was at serial no 01 of the seniority of the respondent department. *(Copy of the seniority list is attached as annexure A).*
4. That according to the rules or method of recruitment for initial appointment and eligibility of for promotion the appellant is eligible entitle or fit for promotion to the post of Superintendent as “by pronation on the basis of seniority-cum-fitness, from amongst the senior scale stenographers with at least five years’ service as such, or ten years’ service in the department as junior scale stenographers” and also for the post of Assistant Excise and taxation Officer BPS-17 as “six percent by promotion, on the basis of seniority cum-fitness, from amongst the superintendents with at least five years’ service as Superintendent and Stenographers, who have passed the departmental examination in higher grade.*(Copy of the Departmental rules is attached as annexure B).*
5. That the respondent department initiated process for promotion from the post of junior scale Stenographers to senior scale stenographers on seniority cum fitness basis appellant submit application to forgo his promotion to the post of senior scale stenographers as he already possess the eligibility criteria for the post of superintendent BPS-17, so his case name may not be consider for that very post.*(copies of applications to forgo his promotion are attached as annexure C)*

6. That the appellant while having the eligibility for promotion to the post Superintendent BPS-17 submitted his request and also forgo his promotion to the post of Senior Scale Stenographers, but his case for promotion was not considered so the appellant submit his departmental appeal on 11.01.2021, as his case for promotion may be consider now but the same is till date not been responded. *(Copy of the departmental appeal is attached as annexure D).*
7. That being aggrieved from not considering his appeal for promotion to the appellant by the respondent is illegal, unlawful on the following grounds:

GROUND OF APPEAL:

- A. That the appellant has not been treated in accordance with law. The respondents have not followed the Law and Rules governing promotion, thus the secured and guaranteed rights of the appellant have been violated.
- B. That the junior colleague of the appellant was promoted to the BPS-17 and refused the same to the present appellant is illegal, unlawful, without lawful authority.
- C. That the whole service career of the appellant has been put at stake as the long earned seniority maturing his right of promotion to the next scale has been blocked, requiring to consider him for promotion.
- D. That the petitioner has not been treated as per notified gazetted rules by the respondents which deprived the petitioner from his due right of promotion since his fulfillment of the required qualifications and experience.
- E. That under Article 25 of the Constitution of the Islamic Republic of Pakistan 1973, all citizen are equal before law, and that no discrimination is permitted in the similarly placed citizens, thus the discrimination meted out to the petitioner in the grant of personal upgradation is illegal, highly discriminatory and not sustainable.

- F. That the Superior Courts have repeatedly held that where a point of law is decided by the Superior Courts that cover the cases of all those civil servants who have not litigated than the good governance require that the benefit of such judgment should also be given to those who may not be parties to the litigation instead of compelling them to approach the Service Tribunal or any other forum. Reference can be made to case reported as SCMR 1996 Page 1185, 2009 SCMR Page 1, the petitioner being similarly placed are also entitled to similar treatment meted out to their counter parts.
- G. That the state is bound to ensure the elimination of all forms of exploitation and the gradual fulfillment of the fundamental principles. It is also the duties of the state to remove disparity in the income and earning of individuals under Article 37 & 38 of the Constitution.
- H. That the Hon' able Supreme Court of Pakistan is case reported as 2010-SCMR-1301, has held that in matter of promotion, rules are to be followed and where the discretion of authority is involved, then that must be exercised with fairness. It is also held in the said judgment that promoting the juniors by ignoring seniors will not advance the object of achieving good governess. It is further pointed out in the said judgment that the Constitution is the supreme law and there is no room to allow the authority to make departure from law, rules and Article 4 and 25 of the constitution.
- I. That the august Supreme Court of Pakistan in case reported as 2013 §CMR 1752 (g) has held that the term "life" also includes reputation, status and all other ancillary privileges conferred on a citizen by law. Thus the decision of not promoting the petitioner without any just and fair reasons is violative to the Article 9 of the Constitution of Pakistan because the same affected the status and reputation of petitioner amongst the batch mates and other service fellows.
- J. That even in latest judgment of the Hon' able Supreme Court reported as PLD 2013 (SC)-195. (Case of Anita Turab), it is held that the statutory provisions, rules, regulations which govern the matter of appointment of Civil Servants must be followed honestly and scrupulously. Whereas the respondents have violated the Rules of 1997 which governs the petitioner's


rights and as such, the notification dated. 09.05.2018 whereby juniors have been promoted.

- K. That the conduct and attitude of the respondents as well as not promoting the petitioner despite of availability of post and senior most with good record is against the spirit of Article 2-A, 4, 9 and 25 of the Constitution.
- L. That the appellant seeks the permission of this Honorable Tribunal to rely on additional grounds at the hearing of this appeal.

It is, therefore, prayed that on acceptance of this Service Appeal the promotion may kindly be allowed to the appellant with all consequential benefits.

Appellant

Through


ZARTAJ ANWAR
Advocate Peshawar

&

IMRAN KHAN
Advocate Peshawar

AFFIDAVIT

I, Faqir Khan Junior Scale Stenographer Excise, Taxation & Narcotics control Office, KDA, and Complex Kohat, do hereby solemnly affirm and declare that the contents of the above service Appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honorable Tribunal.

Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2021

Faqir Khan Junior Scale Stenographer Excise, Taxation & Narcotics control Office, KDA, and Complex Kohat.

(Appellant)

VERSUS

Govt of Khyber Pakhtunkhwa through Secretary Excise, Taxation & Narcotics control, Department, Khyber Pakhtunkhwa Peshawar. and others.

(Respondents)

ADDRESSES OF PARTIES

Appellant:

Faqir Khan Junior Scale Stenographer Excise, Taxation & Narcotics control Office, KDA, and Complex Kohat.

Respondents:

1. Govt of Khyber Pakhtunkhwa through Secretary Excise, Taxation & Narcotics control, Department, Khyber Pakhtunkhwa Peshawar.
2. Director General, Excise, Taxation & Narcotics control, Department, Khyber Pakhtunkhwa Peshawar.
3. Assistant Excise, Taxation Officer, KDA, Complex Kohat.

Appellant

Through



ZARTAJ ANWAR
Advocate Peshawar

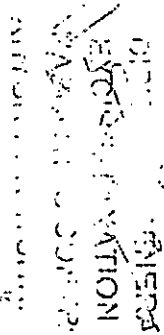
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Approved: A

FINAL SENIORITY LIST OF JUNIOR SCALE STENOGRAPHERS (14) OF NARCOTICS CONTROL DEPARTMENT KHYBER PAKHTUNKHWA AS ON 30-09-2010 ON 30-09-2010.

NAME OF OFFICIALS	HOME DISTRICT	DATE OF BIRTH	DATE OF JOINING GOVT. SERVICE	DATE OF APPOINTMENT AS JR SCALE STENOGRAPHER	DATE OF JOINING EXISTING DEPARTMENT AS JR SCALE STENOGRAPHER	REMARKS
Mr. Faqir Khan	Kohat	16-01-1969	29-05-1990	29-05-1990	29-05-1990	
Mr. Ali Gohar-I	Swabi	29-04-1969	13-10-1990	13-10-1990	13-10-1990	Adjusted from Surplus P
Mr. Nasrullah Khan	Karak	14-09-1969	14-09-1988	14-09-1988	15-09-1999	Adjusted from Surplus P
Mr. Fausa Khan	Karak	01-11-1966	12-07-1987	12-07-1987	16-09-1999	Recommender of Pub Service Commission
Mr. Abdul Hafeez	Peshawar	22-08-1973	26-04-2003	12-09-2006	12-09-2006	Service Commission Recommender of Pub
Mr. Hizbullah	Bannu	17-03-1988	03-04-2012	03-04-2012	06-04-2012	Service Commission Recommender of Pub
Mr. Javed Hussain	Dir	15-07-1975	01-09-1996	01-09-1996	25-05-2012	Service Commission


 GOVERNMENT OF KHYBER PAKHTUNKHWA
 NARCOTICS CONTROL DEPARTMENT
 PESHAWAR



SALE PRICE

Answer B

KHYBER PAKHSTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 16TH FEBRUARY, 2019

**GOVERNMENT OF KHYBER PAKHTUNKHWA
EXCISE, TAXATION AND NARCOTICS CONTROL DEPARTMENT**

NOTIFICATION

Peshawar, Dated the 19th February, 2018.

No. SO(Admin)/ET&NC/1-44/2018:—In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all previous rules, issued in this behalf, the Excise, Taxation & Narcotics Control Department in consultation with the Establishment and Finance Departments hereby lays down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the Appendix to this Notification, which shall be applicable to posts in the Directorate General Excise, Taxation and Narcotics Control Department specified in column 2 of the said Appendix:

APPENDIX

S.No.	Nomenclature of the post.	Minimum qualification for appointment by initial recruitment.	Age limit.	Method of recruitment.
1	2	3	4	5
1	Director General (BPS-20).	---	---	By transfer from amongst the officers of APUG/PAS/PCS-SG/PCS-Eg/PMS.
2	Director (Administration) (BPS-19).	---	---	By transfer from amongst the officers of APUG/PAS/PCS-SG/PCS-Eg/PMS.

4	Director (Revenue) (BPS-19)		By Promotion, on the basis of seniority cum fitness, from amongst the Excise and Taxation Officers with at least twelve years service in BPS-17 and above.
5	Director (BPS-19)		(a) Seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Excise and Taxation Officers with at least twelve years service in BPS-17 and above; and (b) twenty five percent by transfer from amongst the officers of APUG/PAS/PMS.
5	Deputy Director (Audit and Accounts) (BPS-18)		By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Directors (Audit and Accounts), with at least five years service as such: Provided that if no suitable person is available for promotion then by transfer from amongst the Government officers.
6	Deputy Director Operation-IT (BPS-18)	At least Second Class Master's Degree in Computer Science/IT/Software Engineering/ Electrical Engineering or equivalent qualification from a recognized University with at least three years experience in relevant field.	By promotion, on the basis of seniority-cum-fitness, from amongst the Computer Programmers, Network Engineers and Web Developers having at least five years service as such: Provided that if no suitable person is available for promotion then by initial recruitment.
7	Deputy Director (GIS) (BS-18).	(i) At least Second Class Master's Degree in GIS from recognized University with three years experience in the field of GIS; or (ii) at least Second Class Master's Degree in Computer Science / IT / Urban Development / Geography or equivalent qualification in the field of Computer Science from a recognized University / Institute with Post Graduate Diploma in GIS from a recognized Institute with three years experience in the field of GIS.	By Initial recruitment

	Taxation Analyst (BS-18)	<p>Note: Experience will be given to those who have not experience in open source web-based software related with AIS.</p> <p>(i) At least Second Class MBA with Finance or M.Com. from a recognized University;</p> <p>(ii) computer literate with certificate in MS-Office (MS-Word, MS-Excel, MS-Access); and</p> <p>(iii) three years experience in field relating to Taxation in public / private sector, Autonomous / Semi-autonomous bodies.</p>	25-32 years.	By Initial recruitment.
9	System Analyst (BS-18)	<p>(i) 1st Class Master's Degree in Computer Science or equivalent qualification from a recognized University; and</p> <p>(ii) Three years experience in field of Electronic Data Processing with system designing and programming skills.</p>	25-32 years.	By Initial recruitment.
10	Excise and Taxation Officer (BS-18).			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Excise and Taxation Officers with at least five years service as such who have passed Departmental Examination in higher grade.
11	Assistant Director (Audit and Accounts) (BPS-17).	At least Second Class Master's Degree in Commerce with Accounting as one of the subject from a recognized University	22-32 years.	<p>(a) Thirty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Audit and Accounts Assistants; and</p> <p>(b) seventy percent by initial recruitment.</p>

	Scripture Programmer (BPS-17)	At least Second Class Master's Degree in Computer Science (BCS, BSCS, BE(CE), BS(IT) or equivalent qualification from a recognized University having good programming skills.	22-32 years.	By promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents with at least seven years service as such.
	Network Engineer (BPS-17)	At least Second Class Master's Degree in Computer Science (BCS, BSCS, BE(CE), BS(IT) and MCS or equivalent qualification from a recognized University. Note: Preference will be given to those having certificate in Computer Networking like MCSE/CCNA/any other latest certification in Networks from recognized Institute.	22-32 years.	Provided that if no suitable person is available for promotion then by initial recruitment.
14	Web Developer (BPS-17)	At least Second Class Master's Degree in Computer Science (BCS, BSCS, BE(CE), BS(IT) and MCS or Equivalent qualification from a recognized University. Note: Preference will be given to those having Certificate in web programming like PHP, ASP, Net, C#, or any other latest technology certification in web-dev. and additional working knowledge of CSS, JQuery and web development frame work like Laravel, etc.	22-32 years.	By initial recruitment.
15	Assistant Excise and Taxation Officer (BPS-17)	At least Second Class Bachelor's Degree from a recognized University.	20-32 years.	(a) Six percent by promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents with at least five years service as Superintendent and Stenographers, who have passed the Departmental Examination in higher grade.

			<p>(b) fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst holder of the post of Inspectors, with at least five years service as such who have passed Departmental Examination in higher grade; and</p> <p>(c) forty per cent by initial recruitment.</p>
<p>16 ✓ Superintendent (BPS-17).</p>	<p>.....</p>	<p>.....</p>	<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Scale Stenographers with at least five years service as such, or ten years service in the Department as Junior Scale Stenographer and Senior Scale Stenographer.</p> <p>(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst Sub Inspectors with at least five years service as such who have passed the Departmental Examination in lower grade; and</p> <p>(b) fifty per cent by initial recruitment.</p>
<p>17 Inspector (BPS-16).</p>	<p>(i) At least Second Class Bachelor's Degree, from a recognized University; and</p> <p>(ii) (Height...5'7") (Chest...33" with expansion of 1 ½ inches).</p>	<p>20-32 years.</p>	<p>By initial recruitment.</p>
<p>18 Assistant Data base Administrator (BPS-16).</p>	<p>At least Second Class Bachelor's Degree in Computer Science or equivalent qualification from a recognized University.</p>	<p>20-32 years.</p>	<p>By initial recruitment.</p>
<p>19 Senior Scale Stenographer (BPS-16).</p>	<p>(i) At least Second Class Bachelor's Degree from recognized University;</p> <p>(ii) a speed of hundred words per minute in English shorthand and Forty words per minute in typing; and</p> <p>(iii) one year Diploma in Computer Science from the Board of Technical Education.</p>	<p>20-32 years.</p>	<p>By promotion, on the basis of seniority-cum-fitness, from amongst Junior Scale Stenographers with at least five years service as such:</p> <p>Provided that if no suitable candidate is available for promotion, then by initial recruitment.</p>

20	Computer Operator (BPS-13)	At least Second Class Bachelor's Degree in Computer Science/Information Technology (BCS/BIT four years) from a recognized University; or	20-32 years.	By initial recruitment.
		(ii) at least Second Class Bachelor's Degree from a recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education; and (iii) Minimum speed of ten thousand key depressions per hour for punching / data entry/ verification		
21	Audit and Accounts Assistant (BPS-14)	At least 2nd Class Bachelor's Degree in Commerce (B.Com, BBA, etc) or equivalent qualification from a recognized University having good knowledge of Computer Technology.	20-32 years.	By initial recruitment.
22	Junior Scale Stenographer (BPS-14)	(i) At least Second Class Intermediate or equivalent qualification from a recognized Board; and (ii) a speed of fifty words per minute in English, Shorthand and thirty five words per minute in typing and knowledge of Computer in using MS-Word & MS-Excel.	18-32 years.	By initial recruitment.

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29	Mullaib Serenity Group (BPS-02).	At least Second Class Secondary School or from a recognized Board.	18-40 years.	By initial recruitment.
28	Mullaib/Qasid (BPS-04).			By promotion form amongst the Mullaibasis and Chowkidars.
30	Mullaib/Qasid (BPS-03).	Preferably literate.	18-40 years.	By initial recruitment.
31	Chowkidar/Mullaib/Swee per (BPS-03).	Preferably literate.	18-40 years.	By initial recruitment.

SECRETARY TO
GOVERNMENT OF THE KHYBER PAKHTUNKHWA,
EXCISE, TAXATION AND NARCOTICS CONTROL
DEPARTMENT

Printed and published by the Manager,
 Sisy. & Ptg. Deptt., Khyber Pakhtunkhwa, Peshawar.

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To

The Director General,
Excise, Taxation & Narcotics Control Department,
Khyber Pakhtunkhwa, Peshawar.

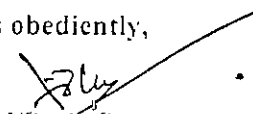
Subject: PROMOTION OF JUNIOR SCALES STENOGRAPHERS (PBS-14)
AS SENIOR SCALE STENOGRAPHER (PBS-16).

Respected Sir,

Kindly refer to your office letter bearing No. 9718 -20 / Estab: dated 26/10/2017 on the subjected cited above.


I, Faqir Khan, Junior Scale Stenographer do hereby opt to accept the promotion as Superintendent by forgoing the promotion as Senior Scale Stenographer as per Service Rules presently in vogue.

Your's obediently,


(Faqir Khan J/Scale Stenographer),
Excise, Taxation & Narcotics Control
Department, Kohat.

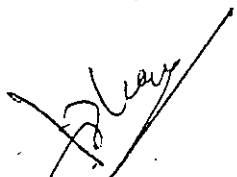
No. 1562 /E&T Dated Kohat the 2 / XI /2017

Forwarded in original to the Director General, Excise, Taxation & Narcotics Department, Khyber Pakhtunkhwa, Peshawar.


Excise, Taxation & Narcotics
Control Department, Kohat.

OPTION

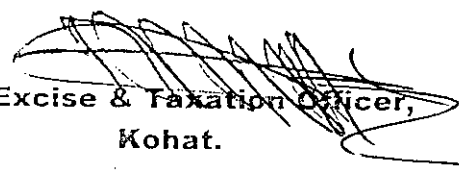
I, **FAQIR KHAN** is not willing to avail promotion as Senior Scale Stenographer due the reasons that I intend to present / submit Departmental appeal for promotion as Superintendent (BPS16/17) which is by lawful right in light of the Government Rules and the precedent already established in case of Mr. Waheed Khan.


(FAQIR KHAN STENOGRAPHER)
Excise & Taxation Office, Kohat.

OFFICE OF THE EXCISE AND TAXATION OFFICER, KOHAT.

NO. 1313 /E&T Dated Kohat the 18/07/2014

Forwarded to the Director General, Excise & Taxation, Khyber Pakhtunkhwa, please.


Excise & Taxation Officer,
Kohat.

To

**The Secretary, Excise, Taxation & Narcotics Control,
Khyber Pakhtunkhwa, Peshawar.**

Through PROPER CHANNEL.

Subject REQUEST FOR PROMOTION AS ASSISTANT EXCISE & TAXATION
OFFICER OR TO THE POST OF SUPERINTENDENT (BPS-17).

Respected Sir,

Please refer to Director General, Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa office letter No. 6858 -62 / Estab / P.File dated 17-12-2020 received on 28-12-2020.

It is respectfully submitted that I have rendered more than 30 years unblemished service as Junior Scale Stenographer in the Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa. As earlier I have submitted that I had intended to present Departmental appeal for my promotion as Superintendent and I had again opted for my promotion as Superintendent as per the new 2018 Service Rules (Photo copies enclosed as Annexures "A" & "B" for perusal), please. The new Rules provides promotion from Junior Scale Stenographer to Superintendent (BPS-17) in case of completion of Ten years' service in the Department.

Your kind attention is further invited to para-15 of the service Rules, 2018 which provides promotion to the post of Assistant Excise, Taxation Officer (BPS-17) in case the service rendered is at least five years as Superintendent OR Stenographers. As regards the second condition of passing the Departmental examination, I have never been asked to appear before the said examination. I am willing to appear and pass the said examination to qualify for promotion as Assistant Excise, Taxation Officer (BPS-17).

In view of my above submissions, it is earnestly requested that my case for promotion as AETO OR Superintendent may please be considered on the basis of seniority-Cum-Fitness. My case also comes under the tenants of Natural Justice as depriving a Government Servant from promotion in spite of more than 30 years' service is unnatural and against the principles of Equity.

Your's Obedient Servant,

Dated 11th day of January, 2021.

(Signature)
**(Faqir Khan Junior Scale Stenographer),
Excise, Taxation & Narcotics Control Office,
Kohat**

POWER OF ATTORNEY

In the Court of 12 PM Service Tribunal Peshawar

Faqir Khan

- } For
- } Plaintiff
- } Appellant
- } Petitioner
- } Complainant

VERSUS

Govt Fie Pica Otho

- } Defendant
- } Respondent
- } Accused
- }

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/W, the undersigned, do hereby nominate and appoint

ZARAJ ANWAR & IMRAN KHAN ADVOCATES, my true and lawful attorney, for me in my same and on my behalf to appear at Pesh to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____

Executant/Executants _____
Accepted subject to the terms regarding fee _____

Imran Khan
IMRAN KHAN
Advocate High Court
Mob: 0345-9090648

Zaraj Anwar
ZARAJ ANWAR
Advocate High Courts
ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt
Mobile-0331-9399185
BC-10-9851
CNIC: 17301-1610454-5

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. D.B

No.

Appeal No..... 8674 of 20 21

Faiz Khan Appellant/Petitioner

Versus

Govt of KPK Excise Respondent

Respondent No. 3

Recd

Notice to: — Assistant Excise, Taxation Officer
KDA complex Kohat.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on..... 26/11/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No..... dated.....~~

Given under my hand and the seal of this Court, at Peshawar this..... 1st.....

Day of..... sep 20 21

(for Reply)


Registrar

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD
PESHAWAR. D.B

No.

Appeal No. S674 of 2021

Faavid Khan Appellant/Petitioner

Versus

Chief C.F.KPK Stry. Excise Respondent

Respondent No. 2

Notice to:

Director General Excise Taxation & Narcotics Control Dept. Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 26/11/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

Given under my hand and the seal of this Court, at Peshawar this 15

Day of Feb 2021

(For Reply)

[Handwritten signature]
21-10-21

[Handwritten signature]
Registrar

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, D.B
PESHAWAR.

No.

Appeal No. S674 of 20 21

Faavid KhanAppellant/Petitioner

Court of KPK ^{Versus} ExciseRespondent

Respondent No. 1

Notice to:

12/10/21 Court of KPK through Secretary
Excise Taxation & Narcotics Control
Deptt: Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 26/11/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No. dated~~

Given under my hand and the seal of this Court, at Peshawar this 1st

Day of Sep 20 21

(for Reply)



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

APPEAL No. 8674 of 2023

Fazir Khan

Appellant/Petitioner

Versus

Govt of KPK through Secy Excise

RESPONDENT(S)

Notice to Appellant/Petitioner

Respondent (1) Secy Excise, Taxation &
Narcotics Control Department KPK

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 15/08/2022 at 9:00am

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

For Reply & Arguments

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Copy of Appeal
Already Sent

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

APPEAL No. 5074 of 20 22

Fazir Khan

Appellant/Petitioner

Versus

Govt of KPK through Sog Excise

RESPONDENT(S)

Notice to Appellant/Petitioner

Respondent (2)

OG, Excise, Taxation

of Narcotics Control Department
KPK Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 15/08/2022 at 9:00am

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

For Reply & Arguments

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Copy of Appeal
Already Sent

[Signature]
11-08-2022